



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/GP/2834
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TECHNOLOGY CENTER 2800

re application of:

Stephen John Kotre et al.

Group Art Unit: 2834

Examiner: Iraj A. Mohandesi

Serial No.: 09/712,436

Filed: November 14, 2000

For: ENGINE ON IDLE ARBITRATION FOR A HYBRID
ELECTRIC VEHICLE

Attorney Docket No.: 200-0318 / FMC 1496 PUS

**PETITION FOR RECONSIDERATION
OF FINAL REJECTION AND PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)**

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Applicant respectfully requests reconsideration of the final rejection mailed September 18, 2002, which was made final in error. In the first Office Action mailed March 19, 2002, claims 3, 15 and 16 were objected to as being dependent upon rejected base claim. In response to that Office Action Applicant amended the application and attempted to place the claims containing allowable subject matter in condition for allowance. In response to the amendment, the second Office Action rejected all of the claims. In the Office Action Summary it was indicated to be both final and unfinal because an X appeared in Box 2a and 2b of the Office Action Summary. In the detailed action paragraph 10 Examiner stated that this action is made final. Applicant submits that the Office Action was improperly made final because some of the claims were being rejected now for the first time.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

January 6, 2003
Date of Deposit

Kevin J. Heintz
Name of Person Signing

Signature

01/15/2003 MGBREM1 00000057 061505 09712436

01 FC:1460 130.00 CH
02 FC:1251 110.00 CH

In addition, claims 1, 3, 11 13-16 were originally rejected for double patenting based upon claim 1 of an identified co-pending application number. Applicant's attorney was unable to identify which application for the basis for the provisional double patenting rejection.

Finally, in the first paragraph of the detailed action several limitations were referred to as not being defined in the specification, however, several of the limitations do not actually appear to be in the claim as amended by the prior amendment.

Applicant submits with this request a petition for a one month extension of time. The Commissioner is hereby authorized to charge the amount of \$240.00 to cover the Petition fee of \$130.00 and the petition fee for a one month extension of time of \$110.00 to Ford Global Technologies, Inc.'s Deposit Account No. 06-1505. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 06-1505 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

Stephen John Kotre et al.

By 

Kevin J. Heintz

Reg. No. 29,805

Attorney/Agent for Applicant

Date: January 6, 2003

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